

City of Annapolis
Alcoholic Beverage Control Board
February 1, 2012

The Regular Meeting of the Alcoholic Beverage Control Board of the City of Annapolis was held on February 1, 2012 in the City Council Chamber. Chair Leonard Berman called the meeting to order at 7:00 p.m.

Present: Chair Leonard Berman, Vice Chair Lawrence Harris, Jr., Member, Valerie Miller

Absent: Catherine Shultz

Staff: Assistant City Attorney Gary Elson

There being no voiced objection, the regular order of the agenda was amended to allow for a Public Hearing and Business Miscellaneous items.

PUBLIC HEARING

• **FOX'S DEN – AMERICAN CRAFT GASTROPUB**

Application has been given for a new alcoholic beverage license Class B-4.x restaurant, beer, wine and liquor, on sale, six a.m. to twelve midnight seven days per week (special Sunday license), in addition, sales as authorized from twelve midnight to two a.m. by Brian Vincent and Chris Fox for the premises known as FoxBoys, LLC t/a FOX'S Den – AMERICAN CRAFT GASTROPUB, 179 Main Street, Annapolis, Maryland 21401.

Alan J. Hyatt, attorney for the applicants, Hyatt & Weber, P.A., 200 Westgate Circle, Severn Bank Building, Suite 500, Annapolis, Maryland 21401 gave a brief presentation and entered the following into the record:

- Exhibit #1: Board of Appeal Opinion and Order
- Exhibit #2: Affidavit of Posting
- Exhibit #3: Copy of Alcoholic Beverage License application
- Exhibit #4: Proposed Menu
- Exhibit #5: Proposed Floor Plan
- Exhibit #6: Alcohol Awareness Training Certificate for Chris Fox
- Exhibit #7: Curriculum Vitae for Mr. Tullier
- Exhibit #8: Public Need Analysis and Report

Applicants, Brian Vincent and Chris Fox were present and answered questions addressed by the Board.

Present and testified on behalf of the application:

Shepard Tullier, Land Use Consultant, Land Visions, Inc., 1982 Moreland Parkway, Suite 201, Annapolis, Maryland

No one from the general public spoke in favor or in opposition to the application.

Member Miller moved to approve the application for a new B-4.x restaurant, beer, wine and liquor, on sale, six a.m. to twelve midnight seven days per week (special Sunday license) in addition, sales as authorized from twelve midnight to two a.m. for the premises known as FoxBoys, LLC t/a FOX'S Den – AMERICAN CRAFT GASTROPUB, 179 Main Street, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

Chair Berman declared the public hearing closed.

BUSINESS AND MISCELLANEOUS

- **RAMS HEAD TAVERN** – Special Event, March 17

Request for extension of licensed premises during normal business hours on March 17, 2012 in the parking lot immediately behind the property

Licensees failed to appear. No action taken.

Request to be placed on next regular meeting agenda, March 7, 2012.

There being no voiced objection, the order of the agenda was amended to allow for two Disciplinary Hearing items.

- **ANNAPOLIS WINE & SPIRITS**

Infraction Citation no. 421, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid and Police Explorer Baldwin, Annapolis Police Department were present.

Jerome I. Feldman, attorney for the licensee, Bernstein & Feldman, P.A., 900 Bestgate Road, Suite 200, Annapolis, Maryland 21401 gave a brief presentation and entered the following into the record.

Exhibit # 1: Affidavit from Gloria Cahill Wilen consenting and stipulating to the following:

- a) waived appearance before the ABC Board
- b) waived the reading of the charges
- c) admitted to the violation as stated in Citation no. 421

Owner/primary shareholder for Annapolis Wine and Spirits, Tze Yung Pun was present.

Licensee, Gloria R. Cahill Wilen was not present.

Server, Wujian Weng was not present.

- **MATSU JAPANESE RESTAURANT**

Infraction Citation no. 454, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Soares were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Brian Konik, Da Xiang Zhang and Xiu Ping Jiang were present and answered questions by the Board.

Server, Christine Yang was not present.

Chair Berman closed this portion of the disciplinary hearing.

The business and miscellaneous order of the agenda was resumed.

- **ANNAPOLIS WINE & SPIRITS** – Substitution of Officer

Colin B. Stodd *to replace* Gloria Cahill Wilen

Jerome I. Feldman, attorney for the applicant, Bernstein & Feldman, P.A., 900 Bestgate Road, Suite 200, Annapolis, Maryland 21401 gave a brief presentation and entered the application into the record.

Applicant, Colin B. Stodd was present and answered questions addressed by the Board.

Vice Chair Harris moved to approve the substitution of Colin B. Stodd as an officer on the alcoholic beverage license of ANNAPOLIS WINE & SPIRITS. Seconded. CARRIED on voice vote.

- **FEDERAL HOUSE BAR & GRILLE** – Substitution of Officer

Susan M. Hogan *to replace* Michael Alwan

Applicant, Susan M. Hogan was present and answered questions addressed by the Board.

Licensee, Jeremy Black was also present and answered questions addressed by the Board.

Vice Chair Harris moved to approve, *contingent upon submitting a corrected assignment of*

member interest statement, the substitution of Susan M. Hogan as an officer on the alcoholic beverage license of FEDERAL HOUSE BAR & GRILL. Seconded. CARRIED on voice vote.

- **STANTON COMMUNITY CENTER** – Michael and Marion Jones

Request for a Special Class C, One Day Liquor License with consumption of alcoholic beverages on City property

Applicants, Michael and Marion Jones were present and answered questions addressed by the Board.

Vice Chair Harris moved to approve the application for a Special Class C, One Day liquor license for beer, wine and liquor with consumption on City property to Michael and Marion Jones at the STANTON COMMUNITY CENTER from 6:00 p.m. to 12:00 midnight on March 17, 2012. Seconded. CARRIED on voice vote.

DISCIPLINARY HEARINGS

There being no voiced objection, the regular order of the disciplinary hearing agenda was amended.

- **RED RED WINE BAR**

Infraction Citation no. 452, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Soares were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, James Davies, Jr. and Brian Bolter were present and answered questions by the Board.

Server, Stephen Monterio was not present.

The regular order of the agenda was resumed.

- **49 WEST COFFEEHOUSE, WINEBAR & GALLERY**

Infraction Citation no. 435, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Katherine Burke and Brian Cahalan were present and answered questions by the Board.

Server, Ian Cahalan was present and addressed the Board.

- **BUDDY'S CRABS & RIBS**

Infraction Citation no. 451, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Soares were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Tara Stout and Michael Blonder were present.

Harvey Blonder and Kevin Blonder were also present and answered questions by the Board.

Server, Richard Chambers was present and addressed the Board.

- **CAFÉ NORMANDIE**

Infraction Citation no. 446, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensee waived their right to hear charges read by Sgt. Crane.

Licensee, Richard Breza, was present and answered questions by the Board.

Manager, Laure Danman was also present and answered questions addressed by the Board.

Licensees, Suzanne Evennou and Jean-Louis Evennou were not present.

Server, Allison Porter was present and addressed the Board.

- **CARLSON'S THAI KITCHEN**

Infraction Citation no. 437, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensee waived their right to hear charges read by Sgt. Crane.

Licensee, Nopporn Suriyachaiwat was present and answered questions by the Board.

Licensee, Shannon Waldron was not present.

Server, Kristin Roberts was present and addressed the Board.

- **CHICK & RUTH'S DELLY**

Infraction Citation no. 439, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, William Warnock and Ted Levitt were present and answered questions by the Board.

Server, Judy Ann Canter was not present.

- **COURT OF SHANGHAI RESTAURANT**

Infraction Citation no. 453, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Soares were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, John Charles Herbert, James Han and Anna Han were present and answered questions by the Board.

Server, Lisa Wu was not present.

- **LEDO PIZZA & PASTA**

Infraction Citation no. 438, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Lewis J. Mason and Curtis Noland were present and answered questions by the Board.

Licensee, Judith R. Blank was not present.

Server, Ryan Sears was present and addressed the Board.

- **HARD BEAN COFFEE & BOOKSELLERS**

Infraction Citation no. 447, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Julia Draper Corder, Gary L. Amoth and Dena S. Amoth were present and answered questions by the Board.

Server, Wilhelmina Markvardsen was present and answered questions addressed by the Board.

- **MEXICAN CAFÉ**

Infraction Citation no. 448, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Robert J. Brilliant, attorney for the licensees, 1610 West Street, Suite 205, Annapolis, Maryland 21401 on behalf of the licensees stipulated to the police report, waived their right to hear charges read by Sgt. Crane and gave a brief presentation.

Licensees, Rebecca L. Pozillo and Pamela R. Gladfelter were present and answered questions by the Board.

Server, Christina Hemberger was present and addressed the Board.

- **THE WHISKEY**

Infraction Citation no. 449, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Having stipulated to the police report, the licensees waived their right to hear charges read by Sgt. Crane.

Licensees, Robert B. Muller and Michael S. Hearne were present and answered questions by the Board.

Server, Alexis Pogonowski was not present.

Chair Berman declared the disciplinary hearing closed at 9:15 p.m.

Following a short recess, Chair Berman moved to proceed into executive session at 9:27 p.m.

ACTION ON DISCIPLINARY HEARING

- **ANNAPOLIS WINE & SPIRITS**

Infraction Citation no. 421, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **49 WEST COFFEEHOUSE, WINEBAR & GALLERY**

Infraction Citation no. 435, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **BUDDY'S CRABS & RIBS**

Infraction Citation no. 451, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$750. Seconded. CARRIED on voice vote.

- **CAFÉ NORMANDIE**

Infraction Citation no. 446, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Chair Berman moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **CARLSON'S THAI KITCHEN**

Infraction Citation no. 437, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Member Miller moved to impose a fine of \$750. Seconded. CARRIED on voice vote.

- **CHICK & RUTH'S DELLY**

Infraction Citation no. 439, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Member Miller moved to impose a fine of \$750. Seconded. CARRIED on voice vote.

- **COURT OF SHANGHAI RESTAURANT**

Infraction Citation no. 453, Sales to underaged persons

Vice Chair Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **LEDO PIZZA & PASTA**

Infraction Citation no. 438, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Member Miller moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **MATSU JAPANESE RESTAURANT**

Infraction Citation no. 454, Sales to underaged persons

Vice Chair Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **RED RED WINE BAR**

Infraction Citation no. 452, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Member Miller moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **HARD BEAN COFFEE & BOOKSELLERS**

Infraction Citation no. 447, Sales to underaged persons

Vice Chair Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

- **MEXICAN CAFÉ**

Infraction Citation no. 448, Sales to underaged persons

Vice Chair Harris moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Chair Berman moved to impose a fine of \$750. Seconded. CARRIED on voice vote.

- **THE WHISKEY**

Infraction Citation no. 449, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on February 1, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Following discussion, Vice Chair Harris moved to impose a fine of \$500. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 10:10 p.m.

Theresa Bucalo, CMC
Deputy City Clerk